

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X 24 Civ. 7729
PRIMITIVO ROBLES, on behalf of himself
and all others similarly situated,

Plaintiff,

-against-

THE OTHER SIDE DISPENDARY LLC,

Defendant
-----X

**DECLARATION OF
ARJETA ALBANI, ESQ. IN
SUPPORT OF THE
APPLICATION TO CLERK
FOR CERTIFICATE OF
DEFAULT PURSUANT TO
LOCAL CIVIL RULE 55.1**

ARJETA ALBANI, ESQ., being duly sworn, hereby deposes and states under penalty of perjury, pursuant to 28 U.S.C. §1746, as follows:

1. I am the attorney of record for Plaintiff, Primitivo Robles ("Primitivo Robles" or "Plaintiff") in the above referenced action. As such, I am familiar with the facts and circumstances of the above-captioned matter, and I submit this affidavit pursuant to Local Civil Rule 55.1 and Fed. R. Civ. P. 55(a) in support of Plaintiff, Primitivo Robles, for a Certificate of Default (the "Application").

2. In the annexed Application, Plaintiff Primitivo Robles, asks the Clerk to enter default against Defendant, The Other Side Dispensary LLC. ("Defendant").

3. Defendant is not an infant or incompetent person and is not in the military service within the purview of the Soldier's and Sailor's Civil Relief Act of 1940 as amended.

4. This action was commenced by filing of the Summons and Complaint on October 11, 2024, attached hereto as **Exhibit A (ECF Dkt No.'s 1, 4)**

5. On October 12, 2024, Plaintiff served Defendant, Recreational Plus Lev, Inc., via Meridian Investigations & Security, Process Servers. According to the Declarant, Ms. Patricia Burke, service was effectuated upon Defendant by, "delivering two true copies of the Summons in a Civil Action, Class Action Complaint, Exhibits 1-3 and the Civil Cover Sheet pursuant to

New York State Section 306 BCL, together with statutory service fee in the amount of \$40.00 to Sue Zouky as Business Document Specialist 2 of New York State Department of State, 99 Washington Avenue, 6th Floor, Albany, NY 12210.” Attached hereto as **Exhibit B** is the Affidavit of Service by Ms. Burke. **(ECF Dkt No. 5)**

6. Notwithstanding Defendant’s receipt of the Complaint, Defendant has not interposed an answer, nor otherwise moved with respect to the Complaint within the time prescribed by the Federal Rules of Civil Procedure.

7. The time for Defendant The Other Side Dispensary LLC, to serve an answer or file a motion has long since expired, as Defendant was required to respond on or before December 3, 2024. (Docket No. 5).

8. Since Defendant The Other Side Dispensary LLC has failed to answer or otherwise defend the above-captioned action, they are clearly in default.

WHEREFORE, Plaintiff Primitivo Robles respectfully requests that the Clerk of this Court grant Plaintiff’s application for a Certificate of Default.

Dated: New York, New York
January 3, 2024

JON L. NORINSBERG, ESQ., PLLC



Arjeta Albani, Esq.

Attorney for Plaintiff

110 East 59th Street, Suite 3200

New York, New York 10022

Telephone No.: (212) 791-5396

arjeta@norinsberglaw.com